

**FACT SHEET
FOR GENERAL PERMIT NUMBER LAR200000 – AI 92973
STORM WATER DISCHARGES FROM
SMALL CONSTRUCTION ACTIVITIES**

FACT SHEET FOR THE DRAFT LOUISIANA POLLUTANT DISCHARGE ELIMINATION SYSTEM (LPDES) PERMIT TO DISCHARGE STORM WATER FROM SMALL CONSTRUCTION ACTIVITIES (LESS THAN 5 ACRES) TO WATERS OF THE STATE.

Permit No.	LAR200000
Issuing Office:	State of Louisiana Department of Environmental Quality Office of Environmental Services Water Permits Division
Prepared By:	Jan M. Cedars Water Permits Division (225) 219-3074
Permit Action:	Reissuance of LPDES Storm Water General Permit for Small Construction Activities issued October 4, 2002, effective March 1, 2003.
Date Prepared:	February 12, 2007

A. INTRODUCTION

The Office of Environmental Services, Water Permits Division, is proposing to reissue the Storm Water General Permit for Small Construction Activities disturbing equal to or greater than one acre and less than five acres, smaller areas which are part of a larger plan of common development where the area of disturbance is cumulatively at least one acre, and those construction site discharges designated by the Louisiana Department of Environmental Quality (LDEQ) as needing a storm water permit under LAC 33:IX.2511.A.1.e and A.9.a. The permit does not provide coverage for construction projects occurring on Federally recognized Indian Country land; such discharges are regulated by the Environmental Protection Agency (EPA).

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This proposed permit continues the provisions in the prior LPDES Storm Water General Permit for Small Construction Activities (LAR200000) issued on October 4, 2002, with an effective date of March 1, 2003. Permit coverage will continue to be automatically applicable to all dischargers who meet the Permit Part I.A. requirements; the permit does not require the submittal of a Notice of Intent (NOI) form. A storm water pollution prevention plan (SWPPP) continues to be required and must provide for compliance with the terms and schedule of the SWPPP beginning with the initiation of construction activities. The proposed permit requires the submittal of a Small Construction Activities Completion Report (SCACR) form (found in Appendix B of the permit) when a construction project is complete and the site has been stabilized in accordance with Permit Part III.D.2.a.2. Unlike permit number LAR100000 for construction projects of five acres or more, this permit does not authorize discharges from support activities related to the operation of concrete or asphalt batch plants located at a construction site.

Conditions and requirements of the previous permit remain the same. Changes from the previous permit include:

1. Clarification of the extent of coverage was added to Part I.A. in the permit, and Items C and D in the Fact Sheet.
2. Additional discussion was added in Item G in the Fact Sheet to clarify the applicability of state water quality and TMDL provisions.
3. In Permit Part I.A., added item 3.g to clarify the responsibility for operator compliance with water quality standards/TMDL requirements.
4. Part I.A.3.g was updated to specify that the operators who discharge into areas with an LDEQ-approved or established TMDL must develop and implement a SWPPP that clearly states which BMPs were selected for the site and describes how the design and implementation of the selected BMPs are expected to ensure that storm water discharges from the construction site are in compliance with the established TMDL.
5. In the permit, removed requirements for submittal of reports/forms to the LDEQ regional offices, as these are no longer needed due to their availability on the comprehensive agency electronic file system.
6. The term “alternative permit” is not defined in the current version of the permit. A definition for the term has been included in the reissuance general permit.
7. The web address to find the threatened and endangered species by parish on the LDEQ website was updated.

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8. Minor changes were made in Part I.A of the permit and in Addendum C to remove references to federal regulations that are not applicable to state actions.

B. AUTHORITY

The Office of Environmental Services, Water Permits Division, through its permitting system authorized under the Louisiana Environmental Quality Act (La. R.S. 30:2001, et seq.), is responsible for ensuring that discharges to the waters of the State are identified, and disposed of in accordance with applicable state regulations. In accordance with the Memorandum of Agreement between the State of Louisiana and the U.S. Environmental Protection Agency and LAC 33:IX.2301, et seq., the Department has the authority to administer the LPDES General Permits Program.

Under the authority of Section 402 of the Clean Water Act, 40 CFR 123.25 (a) (9), and LAC 33:IX.2515.A.2.a., a general permit may be written to regulate storm water point source discharges.

C. ELIGIBILITY

1. Activities Covered

Operations covered by this general permit continue to include those construction activities (including clearing, grading, and/or excavation activities – including adding fill material - related to subsequent construction activities) that result in the disturbance of equal to or greater than one acre and less than five acres of total land area, including smaller areas that are part of a larger common plan of development that cumulatively disturb at least one acre. Road building, construction of residential houses, office buildings, industrial buildings, demolition accompanied by a land disturbance, and runways are examples of construction activities. The term “storm water discharges from construction activities” will be used in this document to refer to the variety of storm water discharges from Phase II construction sites that are related to actions commonly occurring on, or in support of, construction. Repaving of roads and reworking of utility lines are not regulated under this permit unless one or more acres of underlying and/or surrounding soil are cleared, graded or excavated as part of the operation. Routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of a site is not a regulated construction activity.

Construction sites with disturbances of less than one acre, and which are not part of a larger common plan of development of at least one acre, are not eligible for coverage under this permit unless they are specifically designated for coverage under LAC 33:IX.2511.A.1.e and A.9.a.

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2. Agricultural Activities Not Covered

The **clearing of land solely for agricultural purposes is NOT a regulated activity** so is exempted from LPDES permitting requirements. Projects on cultivated croplands are not regulated, as these are already “disturbed” areas.

3. Oil and Gas Construction Activities Not Covered

Section 323 of the Energy Policy Act of 2005 modified paragraph (24) of Section 502 of the Clean Water Act (CWA) to define the term “oil and gas exploration, production, processing, or treatment, or transmission facilities.” This term is used in CWA Section 402(1)(2) to identify oil and gas activities for which EPA shall not require National Pollutant Discharge Elimination System (NPDES) permit coverage for certain storm water discharges. The effect of this statutory change is to make construction activities at oil and gas sites eligible for the exemption established by CWA Section 402(1)(2). The exemption from obtaining LPDES permit coverage for storm water discharges from construction activities at oil and gas sites is codified in the Environmental Regulatory Code at LAC 33:IX.2511.A.2. Consequently, **construction activities related to these exploration, production, processing, or treatment, or transmission activities are exempt** from regulation. The exempt activities are all construction activity, regardless of the amount of disturbed acreage, necessary to prepare a site for drilling and the movement and placement of drilling equipment, constructing access roads, drilling waste management pits, in field treatment plants and the transportation infrastructure (e.g., crude oil and natural gas pipelines, natural gas treatment plants and both natural gas transmission pipeline compressor and oil pumping stations) necessary for the operation of most producing oil and gas fields.

4. Routine Maintenance Activities Not Covered

A small construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the facility/structure. If a construction activity involves the disturbance of less than five acres of land and is only performed to maintain its original purpose, then LPDES permit coverage under this general permit is not required to discharge storm water from that construction activity. Such activities include replacing structures that are due for and require maintenance. **In order to qualify as a routine maintenance activity, the land disturbance should not go beyond the footprint of the previous structure.** Examples of routine maintenance activities include:

Berm Repair or Topsoil Replacement Along Shoulders - placing berm material or topsoil on shoulders adjacent to pavement to eliminate drop-offs;
Bridge Abutment Repairs, Deck Overlays, and Deck Replacement;
Bridge Replacement without widening;

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Chip Sealing – placing asphalt or polymer binder and stone on existing roads;
Culvert Replacement/Repair/Lining – replacing/repairing/or relining a culvert with the same line, grade, and hydraulic capacity and within US Army Corps of Engineers Nationwide Permit (NWP) #3 parameters;
Curb Repairs – repairing existing curbing along a roadway;
Ditch Cleanout – maintaining or restoring original flow line and cross-section only;
Fence Repair/Replacement;
Full Depth Pavement Repairs – isolated repairs of pavement build-up down to sub-grade;
Guardrail Installation/Replacement – installing or repairing with minor grading work to create proper grade for end assemblies;
Lighting Maintenance;
Linear Grading – reshaping of graded shoulders to establish proper drainage away from pavement;
Loop Detector Repairs – repairing loop detectors in existing pavement;
Noise Wall Repair;
Partial Depth Pavement Repairs – isolated repairs of surface courses of pavement;
Pothole Filling;
Resurfacing – replacing several inches of asphalt wearing course by milling existing surface and replacing with new material;
Road Re-paving with new asphalt provided the activity does not expose soil to storm water;
Road Replacement without adding any lanes;
Sign Repair/Maintenance – installing or repairing traffic signs and poles/posts;
Signal Installation/Maintenance – installing or repairing traffic signals and poles/posts; and
Tree/Brush Removal – when it is considered a road maintenance activity.

D. EXCLUSIONS

This general permit **shall not** apply to:

1. Storm water discharges associated with industrial activity that originate from the site after construction activities have been completed and the site has undergone final stabilization.
2. Non-storm water discharges (except certain non-storm water discharges specifically listed in this general permit). However, this permit can authorize storm water discharges from construction where the discharges are mixed with non-storm water discharges that are authorized by a different LPDES permit.
3. Storm water discharges from construction activities that are covered by an existing LPDES permit. However, any permittee covered by another permit may request that the other permit be terminated if the permitted source or activity is also eligible for

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coverage under this general permit. Upon written approval of that request by this Office, the permittee will be covered by this general permit, and the other permit terminated.

4. Storm water discharges from construction activities that LDEQ has determined to be or may reasonably be expected to be causing or contributing to a violation of a water quality standard.
5. Storm water discharges from construction activities and storm water discharge-related activities, if the discharges are likely to adversely affect a listed endangered or threatened species or its critical habitat (unless in compliance with specific Endangered Species Act (ESA) related conditions in the permit).
6. Storm water discharges from construction activities and storm water discharge-related activities, if the discharges are not in compliance with the National Historic Preservation Act (NHPA).

E. DISCHARGE LOCATION

This general permit shall cover discharges to state waters within the geographic boundaries of the State of Louisiana.

F. BASIS FOR EFFLUENT LIMITATIONS AND THE STORM WATER MANAGEMENT PROGRAM

The storm water management program proposed in this general permit is based on the previous permit, EPA's 1996 "Interim Permitting Approach for Water Quality-Based Effluent Limitation in Storm Water Permits," and EPA's November 2002 memo on "Establishing Total Maximum Daily Load (TMDL) Wasteload Allocation (WLAs) for Storm Water Sources and NPDES Permit Requirements Based on Those WLAs."

G. STATE WATER QUALITY STANDARDS

This proposed permit would require as an eligibility condition that covered dischargers not cause or contribute to a violation of a state water quality standard. New or existing discharges of a particular pollutant are prohibited where there is a TMDL unless the discharge is consistent with the TMDL. If a discharge is not/will not meet these requirements, the operator must seek coverage under an alternative permit. Where a discharger is already operating under the permit and is later discovered to cause or have the reasonable potential to cause or contribute to the violation of a state water quality standard, the permitting authority will notify the operator of such violation(s) and the permittee shall take all necessary actions to ensure that future discharges do not cause or contribute

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to the violation of a water quality standard and document these actions in the storm water pollution prevention plan. If violations remain or recur, then coverage under the permit is automatically terminated and alternate coverage must be obtained. Compliance with this requirement does not preclude any enforcement activity as provided by the Louisiana Environmental Quality Act (La. R.S. 30:2001, et seq.) for the underlying violation.

This permit will not authorize the discharge of any pollutant into any water for which a Total Maximum Daily Load (TMDL) has been either established or approved by the LDEQ unless the discharge is consistent with that TMDL. During determination of eligibility for coverage under the permit, **new dischargers** (see LAC 33:IX.2313) to a 303(d) waterbody must determine that their proposed discharges will be in compliance with LAC 33:IX.2317.A.9. In essence, a new discharger is one initiated after August 13, 1979, and not previously permitted. Any discharger (**both existing and new**) to a waterbody for which there is an approved TMDL must confirm that the TMDL allocated a portion of the load for storm water point source discharges if the proposed discharges will contain the pollutant(s) for which the waterbody is impaired or the TMDL developed. Such discharges are expected to be rare for the wastewater types covered by the reissuance permit because the required control/prevention measures are designed to prevent the release of these pollutants in storm water. However, the permit stipulates that operators who discharge to a receiving stream with an LDEQ-approved or established TMDL must develop and implement a SWPPP that clearly states which BMPs were selected for the site and describe how the design and implementation of the selected BMPs are expected to ensure that storm water discharges from the construction site are in compliance with the established TMDL.

In a situation where an LDEQ-approved or established TMDL has specified a general wasteload allocation applicable to construction storm water discharges, but no specific requirements for construction sites have been identified in the TMDL, the operator should consult with LDEQ to confirm that adherence to a SWPPP that meets the requirements of this permit will be consistent with the approved TMDL. Where an LDEQ-approved or established TMDL has not specified a wasteload allocation applicable to construction storm water discharges, but has not specifically excluded these discharges, adherence to a SWPPP that meets the requirements of this permit will be assumed to be consistent with the approved TMDL. If the LDEQ-approved or established TMDL specifically precludes such discharges, the operator is not eligible for coverage under this permit.

The list of impaired waterbodies (sometimes referred to as 303(d) waterbodies) may be accessed on the LDEQ Internet site at <http://www.deq.louisiana.gov/portal/default.aspx?tabid=130> or obtained from the Office of Environmental Services, Water Permits Division.

H. ENDANGERED SPECIES ACT

In a letter dated July 18, 2002, regarding issuance of the prior version of this permit, the U. S. Fish and Wildlife Service stated that the issuance of this general permit is not likely to adversely

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affect any Federally listed threatened or endangered species so long as candidates for coverage contact the Service regarding proposed construction activities. That stipulation was added to the Endangered Species Act (ESA) Guidance for the permit. Therefore it is concluded that the proposed requirements for these discharges are sufficiently stringent to assure state water quality standards, both aquatic life and human health protection, will be met. A copy of the reissuance permit will be submitted to the Service for their comment and concurrence.

I. HISTORIC PRESERVATION ACT

As in the previous version of the permit, an operator is not eligible for permit coverage if: 1) the storm water discharges and best management practices (BMPs) to control storm water runoff do not prevent an effect on a historic property, unless the operator has obtained, and is in compliance with, a written agreement between the applicant and the State Historic Preservation Officer (SHPO) that outlines all measures to be taken by the operator to mitigate or prevent adverse effects to the historic property. When determining permit eligibility, operators are required to establish compliance with requirements and to document such in the SWPPP. An addendum to the permit provides guidance to operators in making this determination.

J. OBTAINING COVERAGE

Automatic coverage by the permit continues as was established in the prior version on the permit, as follows.

LAC 33:IX.2515.B.2.e allows LDEQ to apply coverage under a general permit to a class of dischargers without requiring submittal of a Notice of Intent by each operator. In the interest of assuring universal and immediate applicability of permit conditions to the large number of sites which this permit is expected to cover, as well as to control the administrative costs of the permit, LDEQ has determined it appropriate to extend coverage under the LAC 33:IX.2515.B.2.e provision similar to the manner in which EPA has successfully applied automatic coverage in the past to several large classes of permittees, including sanitary discharges from individual homes, and the oil/gas onshore and coastal produced water general permits. Enforceability is automatic to all projects defined under Permit Part I.A. (Applicability), immediately upon the permit effective date. The permit posting and availability requirements included in Part III.B. (Signature, Plan Review, and Making Plans Available), of the permit provide a real-time demonstration of operators' acknowledgment of accountability under the permit. A record of authorized projects will be maintained by means of the operators' submittal of the Completion Report required in Part I.C. (Project Completion Report) of the permit.

All dischargers who meet the permit eligibility requirements defined above in Items C and D and in Permit Part I.A. are automatically authorized to discharge storm water from construction sites under the terms and conditions of the permit. Dischargers must have

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developed a Storm Water Pollution Prevention Plan (SWPPP) for the areas of the construction project for which they are the responsible party, and that SWPPP must be implemented upon commencement of construction activities. When operational control over plans and specifications, and control over day-to-day activities are held by separate parties, both parties must comply with the terms and conditions imposed under this general permit upon assuming operational control. In cases with only one control party, that party alone is required to comply with the terms and conditions imposed under this general permit. At construction sites where the operator changes, or where a new operator is added, the new operator(s) must comply with the terms and conditions imposed under this general permit upon assuming operational control over site specifications or commencing work on-site.

K. PROJECT COMPLETION REPORT

Completion Report requirements continue from the prior version of the permit.

When a construction project is complete and the site has been stabilized in accordance with the permit requirements, the permittee shall submit a Completion Report form. The form must be signed and dated and submitted to the LDEQ Water Permits Division, by January 28 of the year following the calendar year in which the project was completed. A Completion Report must also be submitted by the first operator when another operator takes over the responsibilities of a previous operator.

**THE FOLLOWING PROVISIONS CONTINUE FROM THE PRIOR PERMIT,
AS FOLLOWS.**

L. OPERATOR RESPONSIBILITY

Permittees with operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications (e.g., developer or owner), must: (1) ensure that the specifications that they develop meet the minimum requirements of the SWPPP and all other applicable conditions; (2) ensure that the SWPPP indicates the areas of the project where they have operational control over project specifications (including the ability to make modifications in those specifications); (3) ensure all other permittees implementing portions of the SWPPP impacted by any changes they make to the plan are notified of such modifications in a timely manner; and (4) ensure that the SWPPP plan for portions of the project for which they are operators indicates the name of parties with day to day operational control of those activities necessary to ensure compliance with the SWPPP or other permit conditions. If these parties have not been identified at the time the SWPPP is initially developed, the permittee with operational control over project specifications shall be considered to be the responsible party until such time as the authority is transferred to another party (e.g., general contractor) and the plan updated.

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Permittees with day-to-day operational control of a construction site must: (1) ensure the SWPPP for portions of the project for which they are operators meets the minimum requirements of Part III (Storm Water Pollution Prevention Plans) of the permit and identifies the parties responsible for implementation of control measures identified in the plan; (2) ensure that the SWPPP indicates areas of the project where they have operational control over day-to-day activities; and (3) ensure that the SWPPP for portions of the project for which they are operators indicates the name of the party(ies) with operational control over project specifications (including the ability to make modifications in those specifications).

Permittees with operational control over only a portion of a larger construction site (e.g., one of four homebuilders in a subdivision) are responsible for compliance with all applicable terms and conditions of this permit as it relates to their activities on their portion of the construction site, including protection of endangered species and implementation of BMPs and other controls, as required by the SWPPP. Permittees shall ensure either directly or through coordination with other permittees, that their activities do not render another party's pollution controls ineffective. Permittees must either implement their portions of a common SWPPP or develop and implement their own SWPPP.

M. AUTOMATIC COVERAGE

As described above in Item J, this permit is automatically applicable to all dischargers who meet the Permit Part I.A requirements. Unless notified by LDEQ to the contrary, all dischargers who meet the Part I.A applicability requirements of the permit are automatically authorized to discharge storm water from construction sites under the terms and conditions of the permit. At least one storm water pollution prevention plan (SWPPP) shall be developed for each construction project or site covered by this permit. The plan shall provide for compliance with the terms and schedule of the SWPPP beginning with the initiation of construction activities.

Written notification of intent to be covered under this general permit is not required. Submittal of a Notice of Intent (NOI) form to the LDEQ Water Permits Division is not required for activities that are eligible for coverage under this general permit. Authorization to discharge under the permit is automatic to:

1. Parties with operational control over project specifications, (the owners and/or developers);
2. Other parties with day-to-day operational control of activities at a project site; and/or

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3. Construction sites having storm water discharges where the operator changes, (including projects where an operator is added during any phase of the construction project).

Coverage under this general permit is automatically extended to all dischargers who meet the eligibility requirements of the permit. Unless notified by LDEQ to the contrary, each entity which meets either or both of the two criteria in Part VII (Definitions) of the permit for an "operator" is authorized to discharge storm water from small construction activities under the terms and conditions of this general permit. An "operator" is any party associated with a construction project that meets either of the following two criteria: (1) the party has operational control over project specifications (including the ability to make modifications in those specifications); or (2) the party has day-to-day operational control of those activities at a project site which are necessary to ensure compliance with the storm water pollution prevention plan or other permit conditions (e.g., they are authorized to direct workers at the site to carry out activities identified in the storm water pollution prevention plan or comply with other permit conditions). A definition for the term operator is included in the permit for clarification.

To ensure effective implementation of the requirements of the permit, the permittee must directly regulate each entity with control over the critical functions identified above in the definition of an operator. Control over project specifications is necessary to ensure that a project design includes appropriate sediment and erosion control measures and post-construction storm water management measures. Day-to-day operational control is necessary to ensure effective implementation of permit requirements at a project site.

The permittee shall make SWPPPs available upon request to: LDEQ; the local agency approving sediment and erosion plans, grading plans, or storm water management plans; local government officials; or to the operator of a municipal separate storm sewer that receives discharges from the site. The copy of the SWPPP that is required to be kept on-site (or locally available) must be made available to LDEQ (or other authorized representative) for review at the time of an on-site inspection. Also, in the interest of public involvement, LDEQ encourages permittees to make their SWPPPs available to the public for viewing during normal business hours.

N. STORM WATER POLLUTION PREVENTION PLAN REQUIREMENTS:

The storm water pollution prevention plan required by the permit focuses on two major tasks:

1. Providing a site description that identifies sources of pollution to storm water discharges associated with construction activity from the facility; and
2. Identifying and implementing appropriate measures to reduce pollutants in storm water discharges to ensure compliance with the terms and conditions of the permit.

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Permittees must implement the applicable provisions of the SWPPP required under Part III of the general permit as a condition of the permit.

Although certification by an engineer is not required, all storm water pollution prevention plans shall be developed in accordance with good engineering practices.

O. DEADLINE FOR PLAN PREPARATION

The permit requires that at least one storm water pollution prevention plan (SWPPP) be developed for each construction project or site covered by this general permit prior to the beginning of construction activities at the site. The plan shall provide for compliance with the terms and schedule of the SWPPP, beginning with the initiation of construction activities. The SWPPP must be updated as appropriate, including certifications.

P. SIGNATURE AND PLAN REVIEW

The SWPPP must be signed in accordance with Permit Part V.G. (Signatory Requirements), and must be retained on site at the facility which generates the storm water discharge in accordance with Part IV (Retention of Records) of this permit. The permittee shall post a notice near the main entrance of the construction site in accordance with the Part III.B.2 of the permit. If posting the notice near a main entrance is infeasible due to safety concerns, the notice shall be posted in a local public building. If the construction project is a linear construction project (e.g., pipeline, highway, etc.), the notice must be placed in a publicly accessible location near where construction is actively underway and shall be moved as necessary. The permit does not provide the public with any right to trespass on a construction site for any reason, including inspection of a site, nor does this permit require that permittees allow members of the public access to a construction site.

LDEQ, or other authorized representative, may notify the permittee at any time that the SWPPP does not meet one or more of the minimum requirements of the permit. Such notification shall identify those provisions of the permit which are not being met by the SWPPP, and identify which provisions of the plan require modification(s) in order to meet the minimum requirements of the permit. Within seven calendar days of receipt of such notification from LDEQ, (or as otherwise provided by LDEQ), or authorized representative, the permittee shall make the required changes to the plan and submit to LDEQ, or authorized representative, a written certification that the requested changes have been made. LDEQ may take appropriate enforcement action for the period of time the permittee was operating under a plan that did not meet the minimum requirements of the permit.

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Q. MAKING PLANS AVAILABLE

The permittee must make SWPPPs available, upon request, to LDEQ, or local agencies approving sediment and erosion plans, grading plans, or storm water management plans; local government officials; or to the operator of the municipal separate storm sewer receiving discharges from the site. The copy of the SWPPP that is required to be kept on-site (or locally available) must be made available to LDEQ (or authorized representative) for review at the time of an on-site inspection. Also, in the interest of public involvement, LDEQ encourages permittees to make their SWPPPs available to the public for viewing during normal business hours.

R. KEEPING PLANS CURRENT

The permittee must amend the SWPPP whenever:

1. there is a change in design, construction, operation, or maintenance, which has a significant effect on the discharge of pollutants to the waters of the State and which has not otherwise been addressed in the SWPPP;
2. inspections or investigations by site operators, local, state, or federal officials indicate that the SWPPP is proving ineffective in eliminating or significantly minimizing pollutants from sources identified under Part III.D.2 of the permit, or is otherwise not achieving the general objectives of controlling pollutants in storm water discharges associated with construction activity; and
3. the plan shall be amended to identify any new contractor and/or subcontractor that will implement a measure of the SWPPP (see Permit Part III.C.3). The plan must also be amended to address any measures necessary to protect endangered and threatened species or historic properties. Amendments to the plan may be reviewed by LDEQ in the same manner as described in Permit Part III.B. (Authority).

S. CONTENTS OF THE PLAN

Storm water pollution prevention plans must include a site description; a description of controls that will be used at the site (e.g., erosion and sediment controls, storm water management measures, as well as other controls); a description of maintenance and inspection procedures; construction site inspection and inspection reports, and a description of pollution prevention measures for any non-storm water discharges that exist. These requirements are defined in detail in Permit Part III.D. (Contents of Plan).

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T. ADDITIONAL REQUIREMENTS

This general permit would authorize storm water discharges associated with industrial activity from a small construction site that is mixed with a storm water discharge from an industrial source other than construction, only under the following conditions:

1. the industrial source other than construction is located on the same site as the construction activity and is permitted under a separate LPDES permit; and
2. storm water discharges from where the construction activities are occurring are in compliance with the terms of the permit.

U. RETENTION OF RECORDS

The permittee is required to retain records or copies of SWPPPs and all records and reports required by this permit for a period of at least three years from the date that the site is finally stabilized. This period may be extended by request of LDEQ at any time.

The permittee shall retain a copy of the SWPPP required by the permit (including a copy of the permit language) at the construction site (or other local site accessible to LDEQ and the public) from the date of project initiation to the date of final stabilization. The permittees with day-to-day operational control over pollution prevention plan implementation shall have a copy of the plan available at a central location on-site for the use of all operators and those identified as having responsibilities under the plan whenever they are on the construction site. A copy of the plan must be readily available to inspectors during normal business hours.

V. PERMIT FEES

No permit fees will be assessed for coverage under this permit.

W. PROJECT COMPLETION REPORT

A discharger must submit a Completion Report form to LDEQ when either of the following conditions are met: (1) after a site has undergone final stabilization and the facility no longer discharges storm water associated with industrial activity from a construction site; or (2) when the permittee has transferred operational control to another permittee and is no longer an operator for the site. A permittee cannot submit a Completion Report without final stabilization unless another party has agreed to assume responsibility for final stabilization of the site. Completion Reports must be submitted using the form provided by LDEQ (or a photocopy thereof). A copy of the Completion

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Report form and instructions for its completion are attached as Addendum B of the permit and can be photocopied for use. The submission of Completion Reports will assist LDEQ in tracking the status of the discharger.

This proposed permit would define final stabilization for the purpose of submitting a Completion Report as occurring when all soil disturbing activities at the site have been completed and when a uniform (e.g., evenly distributed, without large bare areas) perennial vegetative cover with a density of 70 percent of native background vegetative cover for the area has been established on all unpaved areas and areas not covered by permanent structures, or equivalent permanent stabilization measures (such as the use of riprap, gabions, and/or geotextiles) have been employed. Establishing at least 70% of the natural cover of native vegetation meets the vegetative cover criteria for final stabilization. For example, if the native pre-construction vegetation covers 50% of the ground, 70% of 50% would require 35% total cover for final stabilization.

The Small Construction Activity Completion Report form requires the following information:

1. The name, address, and telephone number of the operator of the construction site for which the notification is submitted;
2. The name of the project and the street (description of location if not street address is available) address of the construction site for which the notification is submitted;
3. The name of the receiving water(s), and the total area of land disturbance (in acres) at the site;
4. The date that clearing, grading, excavation, or other construction activities began at the project site;
5. An indication of whether the storm water discharges associated with construction activity have been eliminated (construction completion/site stabilization date);
6. Any additional water discharge permits for the site;
7. The following certification:

"I certify under penalty of law that project activities were completed in accordance with the requirements of the Clean Water Act and the Louisiana Environmental Quality Act, and specifically in accordance with the LPDES Small Construction General Permit, LAR200000, under which the storm water discharges related to the construction were authorized. I understand that submittal of this Report does not release an Operator from liability for any

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violation of the permit or the Act. I further certify that the information submitted is, to the best of my knowledge and belief, true, accurate, and complete, and that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The Completion Report must be signed by the appropriate individual in accordance with the signatory requirements of the permit. A description of these signatory requirements is provided in Permit Part V.G.

The Completion Report is to be sent to the Office of Environmental Services, Water Permits Division, Post Office Box 4313, Baton Rouge, LA 70821-4313.

Submittal of a Completion Report, by itself, does not relieve permittees from the obligations of the permit, such as the requirement to stabilize the site. Appropriate enforcement actions may still be taken for permit violations where a permittee submits a Completion Report but the permittee has not transferred operational control to another permittee or the site has not undergone final stabilization.

X. PUBLIC NOTICES

The public notice describes the procedures for the formulation of final determinations.

Upon publication of the public notice, a public comment period shall begin on the date of publication and last for at least 30 days thereafter. During this period, any interested person may submit written comments on the permit. Any interested person may also submit a written request for clarification of issues related to the content of the general permit or the permit issuance process. Interested persons may also submit written requests for notification of the final permit decision or to request a public hearing to clarify issues involved in the permit decision. A request for a public hearing shall state the nature of the issues proposed to be raised in the hearing. The public notice specifies that written comments and/or written requests shall be submitted to the LDEQ Public Participation Group and that written comments and/or written requests must be received by the Department by a specific deadline.

Public notice will be published in:

THE ADVOCATE of Baton Rouge
LAKE CHARLES AMERICAN PRESS
THE ADVERTISER of Lafayette
THE TIMES of Shreveport
THE TIMES PICA YUNE of New Orleans

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THE NEWS-STAR of Monroe
THE TOWN TALK of Alexandria
THE COURIER of Houma

LDEQ Permits Public Notice Mailing List

LDEQ Permits Public Web Page at

<http://www3.deq.louisiana.gov/news/pubnotice/default.asp>.

In addition to the public notice procedures described above, a notice will be placed in *The Advocate* that identifies this permit, as well as other permits placed on public notice for the previous week, for the following hurricane impacted parishes: Orleans, and St. Bernard. The notices will clearly identify the electronic web link to view the public notices and will provide a telephone number to call to request additional information or to find out where documents may be reviewed locally.

Additional precautions will be taken to assure that people who live in the parishes most severely impacted by recent hurricanes receive notice of the draft permit. The following additional public notice procedures will apply to public notice of the draft permit in Orleans and St. Bernard parishes:

The public notice will also be published in an additional newspaper in a parish that physically adjoins Orleans parish and a parish that physically adjoins St. Bernard parish. This additional public notice will be published in the newspaper with the largest circulation in the adjoining parish.

The draft permit, NOI, and fact sheet will be available for review at the LDEQ Public Records Center, Room 127, 602 North 5th Street, Baton Rouge, Louisiana, during the hours of 8:00 a.m. to 4:30 p.m., Monday through Friday (except state holidays).

The Water Permits Division will send notification of the final permit decision to each person who has submitted written comments or a written request for notification of the final decision.

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